

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LELLA STANSBERRY,

Plaintiff,

vs.

PROFESSIONAL RECOVERY
CONSULTANTS, INC.,

Defendant.

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Case No. 4:12-CV-1648 CDP

MEMORANDUM AND ORDER


On November 7, 2012, plaintiff moved to enforce settlement in this action, which she brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* Defendant opposed the motion in part because plaintiff had filed for Chapter 7 bankruptcy. Defendant argued plaintiff's filing for bankruptcy had deprived her of standing to prosecute her FDCPA claim. I agreed, and I ordered plaintiff to file documentation demonstrating that the trustee of her bankruptcy estate had abandoned this cause of action to her, or had otherwise authorized her to prosecute this case.

Plaintiff has now complied with that order. According to the notice she filed January 11, the trustee has abandoned this cause of action. (*See* Pl.'s Exs. 1–2.) Under 11 U.S.C. § 554, plaintiff has now regained standing to prosecute her

FDCPA claim. *See In re White*, 260 B.R. 870, 883 n.13 (B.A.P. 8th Cir.). As such, I will schedule an evidentiary hearing on plaintiff's motion to enforce settlement, which has been fully briefed.

Accordingly,

IT IS HEREBY ORDERED that an evidentiary hearing on plaintiff's motion to enforce settlement [#8] is set for **Thursday, January 31, 2013 at 2:00 p.m.** in Courtroom 14-South.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of January, 2013.